

STEVEN L. CRAWFORD #166488
Attorney at Law
651 Dolliver, Suite A
Pismo Beach, CA 93449
Telephone (559) 977-2939
Facsimile (805) 556-0322

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	Case No.: CR-F-03-5237 OWW
Plaintiff,)	
vs.)	ORDER REFERRING DEFENDANT TO
HERMILO MEDRANO-BRIONES,)	BUREAU OF PRISONS FOR MENTAL
Defendant)	EXAMINATION PURSUANT TO 18 USC
)	4241 (a), 4247 (b) and (c)

This matter was on calendar for status conference on July 9, 2007. Assistant United States Attorney Servatius appeared on behalf of the government. The defendant appeared, in custody with his attorney, Steven L. Crawford. Defense counsel moved for a hearing to determine the defendant's mental competency, pursuant to 18 USC 4241 (a), and moved that the defendant be referred to the Bureau of Prisons for a mental examination and report, pursuant to 18 USC 4241 (b). The defendant, through his counsel, filed a motion on or about July 10, 2007, supporting that motion. The Court, finding there is reasonable cause to believe the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense. IT IS THEREFORE ORDERED AS FOLLOWS:

1. Pursuant to 18 USC 4241 (b), the defendant is referred to the Bureau of Prisons for a psychiatric or psychological examination and report in accordance with the provisions of 18 USC 4247 (b) and (c) to assist the Court in determining the defendant's mental competence.

- 1 2. Under 18 USC 4247 (b), the psychiatric or psychological examination shall be
2 completed by a licensed or certified psychiatrist or psychologist. The examining
3 psychiatrist or psychologist shall prepare a report which shall be submitted to the
4 Court with copies to the attorney for the government and the attorney for the
5 defendant, as follows:

7 Attorney for the Government

8 Kathleen Servatius, Assistant US Attorney

9 2500 Tulare Street, Suite 4401

10 Fresno, Ca 93721 (559)497-4000

12 Attorney for Defendant:

13 Steven L. Crawford, Esq.

14 651 Dolliver, Suite A

15 Pismo Beach, CA 93449 (559)977-2939

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19 The report shall include the following information:

- 20 a. The defendant's history and present symptoms;
- 21 b. a description of the psychiatric, psychological, and medical tests that were employed
- 22 and their results;
- 23 c. the examiner's findings; and
- 24 d: the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering
- 25 from a mental disease or defect rendering him mentally incompetent to the extent that he is
- 26 unable to understand the nature and consequences of the proceedings against him or to assist
- 27 properly in his defense.
- 28 3. A status conference is scheduled for Monday, August 20, 2007, at 9:00 am, to check
- 29 on the progress of the above referral.
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1 4. Time is excluded from the speedy trial act calculation for the delay resulting from
2 these proceedings, including examination to determine the defendant's mental
3 competency, pursuant to 18 USC 3161 (h)(1)(A).
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5 5. The Clerk of the Court shall serve a copy of this order on the United States Marshall,
6 who shall immediately coordinate with the Bureau of Prisons to effectuate the
7 defendant's transfer to an appropriate facility as soon as possible. The Clerk of the
8 Court shall also serve a copy of this order on the Bureau of Prisons.
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10 IT IS SO ORDERED:

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12 DATED: August 1, 2007

_____/s/ Oliver W. Wanger

13 OLIVER W. WANGER, Judge, US District Court
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16 STEVEN L. CRAWFORD,
17 Attorney for Defendant
18 HERMILO MEDRANA-BRIONES
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